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PART V

Bills introduced in the Constituent Assembly of India (Legislative), Reports of Sub-Committees presented to the Constituent Assembly (Legislative) and Bills published under Rule 13 of the Constituent Assembly (Legislative) Rules.

GOVERNMENT OF INDIA

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)

The following Bills were introduced in the Constituent Assembly of India (Legislative) on the 17th November, 1947:-

L. A. BILL No. 41 of 1947.

A Bill to amend the Foreigners Act, 1946.

WHEREAS it is expedient to amend the Foreigners Act, 1946 (XXXI of 1946), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title.**—This Act may be called the Foreigners (Amendment) Act, 1947.

2. **Substitution of "India" for "British India" in Act XXXI of 1946.**—In the Foreigners Act, 1946 (hereinafter referred to as the said Act), for the words "British India", wherever they occur, the word "India" shall be substituted.

3. **Amendment of section 2, Act XXXI of 1946.**—In clause (a) of section 2 of the said Act—

(a) for the words "Indian State" the words "acceding State" shall be substituted;

(b) for the words "Tribal areas" the words "Assam tribal areas" shall be substituted.

4. **Amendment of section 3, Act XXXI of 1946.**—(1) In sub-section (2) of section 3 of the said Act,—

(a) after clause (c) the following clause shall be inserted, namely:—

"(cc) shall, if he has been required by order under this section not to remain in India, meet from any resources at his disposal the cost of his removal from India and of his maintenance therein pending such removal;";

(b) after the words "and may make provision" the words "for any matter which is to be or may be prescribed and" shall be inserted.

(2) To the said section 3 the following sub-section shall be added, namely:—

"(3) Any authority prescribed in this behalf may with respect to any particular foreigner make orders under clause (e), clause (f) or clause (g) of sub-section (2)."

5. Amendment of section 6, Act XXXI of 1946.—In section 6 of the said Act, sub-section (4) shall be renumbered as sub-section (6), and after sub-section (3) the following sub-sections shall be inserted, namely:—

"(4) If any foreigner enters India in contravention of any provision of this Act or any order made thereunder, the prescribed authority may, within two months from the date of such entry, direct the master of the vessel or the pilot of the aircraft on which such entry was effected or the owner or the agent of the owner of such vessel or aircraft, to provide, to the satisfaction of the said authority and otherwise than at the expense of Government, accommodation on a vessel or aircraft for the purpose of removing the said foreigner from India.

(5) The master of any vessel or the pilot of any aircraft which is about to carry passengers from a port or place in India to any destination outside India, or the owner or the agent of the owner of any such vessel or aircraft shall, if so directed by the Central Government and on tender of payment therefor at the current rates, provide on the vessel or aircraft accommodation to such port or place outside India, being a port or place at which the vessel or aircraft is due to call, as the Central Government may specify, for any foreigner ordered under section 3 not to remain in India and for his dependents, if any, travelling with him."

6. Amendment of section 7, Act XXXI of 1946.—To section 7 of the said Act, the following sub-section shall be added, namely:—

"(4) If in any area prescribed in this behalf the prescribed authority by notice published in such manner as may in the opinion of the authority be best adapted for informing the persons concerned so directs, it shall be the duty of every person occupying or having under his control any residential premises to submit to such person and in such manner such information in respect of foreigners accommodated in such premises as may be specified; and the provisions of sub-section (2) shall apply to every person accommodated in any such premises."

7. Insertion of new section 7A in Act XXXI of 1946.—After section 7 of the said Act the following section shall be inserted, namely:—

7A. Power to control places frequented by foreigners.—(1) The prescribed authority may, subject to such conditions as may be prescribed, direct the owner or person having control of any premises used as a restaurant or as a place of public resort or entertainment or as a club and frequented by foreigners—

(a) to close such premises either entirely or during specified periods, or

(b) to use or permit the use of such premises only under such conditions as may be specified, or

(c) to refuse admission to such premises either to all foreigners or to any specified foreigner or class of foreigner.

(2) A person to whom any direction has been given under sub-section (1) shall not, while such direction remains in force, use or permit to be used any other premises for any of the aforesaid purposes, except with the previous permission in writing of the prescribed authority and in accordance with any conditions which that authority may think fit to impose.

(3) Any person to whom any direction has been given under sub-section (1) and who is aggrieved thereby may, within thirty days from the date of such direction, appeal to the Central Government; and the decision of the Central Government in the matter shall be final."

STATEMENT OF OBJECTS AND REASONS

The Foreigners Act, 1946, has in certain respects been found inadequate for the effective control of foreigners in India. For example, the Act does not provide power for requiring the master of a vessel or the pilot of an aircraft to remove a foreigner who has made an illegal entry into India on any such vessel or aircraft or who has under section 3 of the Act been ordered not to remain in India. Another power the absence of which has been keenly felt is that of requiring a foreigner, who has been directed to leave India, to meet the expenses of his voyage, if he is in a position to do so; for want of this power, recalcitrant foreigners evade payment which falls on the general tax-payer of India especially in case of foreigners whom it is found necessary to deport with as little delay as possible. The Act does not also give power for imposing in times of emergency an obligation on a householder in any specified area (e.g., in prohibited and protected places) to report to the prescribed authority the presence of any foreigner in his household and to furnish other particulars in respect of such a foreigner. Similarly there is no power under the Act for closing down clubs and restaurants, etc., frequented by foreigners, and in the absence of such power the police have experienced special difficulty in closing down gambling and opium dens, etc., used by foreigners of criminal or disloyal association or otherwise undesirable type. These powers are necessary both from the security point of view and for the effective control of foreigners in general.

2. The object of this Bill is to amend the Foreigners Act, 1946, so as to take adequate powers in respect of the matters mentioned above.

V. J. PATEL.

NEW DELHI;
The 4th October, 1947.

L. A. BILL No. 45 of 1947.

A Bill to provide for regulating the employment of dock workers

WHEREAS it is expedient to provide for regulating the employment of dock workers;

It is hereby enacted as follows:—

1. **Short title and extent.**—(1) This Act may be called the Dock Workers (Regulation of Employment) Act, 1948.

(2) It extends to all the Provinces of India.

2. **Definitions.**—In this Act,—

(a) "cargo" includes anything carried or to be carried in a ship or other vessels;

(b) "dock worker" means a person employed, or to be employed, in any port on work in connection with the loading, unloading, movement or storage of cargoes;

(c) "employer", in relation to a dock worker, means the person by whom he is employed or to be employed as aforesaid;

(d) "Government" means, in relation to any major port, the Central Government and, in relation to any other port, the Provincial Government;

(e) "scheme" means a scheme made under this Act.

3. Scheme for ensuring regular employment of workers.—(1) Provision may be made by a scheme under this Act for the registration of dock workers with a view to ensuring greater regularity of employment and for regulating the employment of dock workers, whether registered or not, in a port

(2) In particular, a scheme may provide—

(a) for the application of the scheme to such classes of dock workers and employers as may be specified therein;

(b) for prescribing the obligations of dock workers and employers subject to the fulfilment of which the scheme may apply to them and the circumstances in which the scheme shall cease to apply to any dock workers or employers;

(c) for regulating the recruitment and entry into the scheme of dock workers, and their registration, including the maintenance of registers, the removal, either temporarily or permanently, of names from the registers and the imposition of fees for registration;

(d) for regulating the employment of dock workers, whether registered or not, and the terms and conditions of such employment, including rates of remuneration, hours of work and conditions as to holidays and pay in respect thereof;

(e) for securing that, in respect of periods during which employment, or full employment, is not available for dock workers to whom the scheme applies and who are available for work, such workers will, subject to the conditions of the scheme, receive a minimum pay;

(f) for prohibiting or restricting the employment of dock workers to whom the scheme does not apply and the employment of dock workers by employers to whom the scheme does not apply;

(g) for the training and welfare of dock workers, in so far as satisfactory provision therefor does not exist apart from the scheme;

(h) for the manner in which, and the persons by whom, the cost of operating the scheme is to be defrayed;

(i) for constituting or prescribing the authority to be responsible for the administration of the scheme;

(j) for such incidental and supplementary matters as may be necessary or expedient for the purposes of the scheme.

(2) A scheme may further provide that a contravention of any provision thereof shall be punishable with imprisonment for such term as may be specified but in no case exceeding three months in respect of a first contravention or six months in respect of any subsequent contravention, or with fine which may extend to such amount as may be specified but in no case exceeding five hundred rupees in respect of a first contravention or one thousand rupees in respect of any subsequent contravention, or with both imprisonment and fine as aforesaid.

4. Making, variation and revocation of schemes.—(1) The Government may, by notification in the official Gazette and subject to the condition of previous publication, make one or more schemes for a port or group of ports, and may in the like manner and subject to the like condition add to, amend, vary or revoke any scheme made by it.

(2) The provisions of section 28 of the General Clauses Act, 1897 (X of 1897) shall apply to the exercise of a power given by sub-section (1) as they apply to the exercise of a power given by a Central Act to make rules subject to the condition of previous publication.

(3) The Government may direct the port authority of any port to prepare, in accordance with such instructions as may from time to time be given to it, one or more draft schemes for the port, and the port authority shall comply with such direction.

5. Advisory Committees.—(1) The Government may, or if it decides to make any scheme under section 4, shall, constitute an Advisory Committee, to advise upon such matters arising out of the administration of this Act or any scheme made thereunder as the Government may refer to it for advice.

(2) The members of the Advisory Committee shall be appointed by the Government, and shall be of such number (not exceeding fifteen) and chosen in such manner as may be prescribed by rules made under sub-section (5).

Provided that the Advisory Committee shall include an equal number of members representing—

- (i) the Government,
- (ii) the dock workers,
- (iii) the employers of dock workers.

(3) The Chairman of the Advisory Committee shall be one of the members appointed to represent the Government, nominated in this behalf by the Government.

(4) The Government shall publish in the official Gazette the names of all members of the Advisory Committee.

(5) The Government may, by notification in the official Gazette, make rules to provide for—

- (a) the composition of the Advisory Committee;
- (b) the manner in which its members shall be chosen;
- (c) the term of office of its members;
- (d) the allowances, if any, payable to the members of the Committee;
- (e) the manner in which the Advisory Committee shall conduct its business, including number of members to be present at a meeting thereof in order to constitute a quorum.

6. Inspectors.—(1) The Government may, by notification in the official Gazette, appoint such persons as it thinks fit to be Inspectors for the purposes of this Act at such ports as may be specified in the notification.

(2) Every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code, 1860 (XLV of 1860).

(3) An Inspector may, at any port for which he is appointed,—

- (a) enter, with such assistance (if any) as he thinks fit, any premises or vessel where dock workers are employed;
- (b) require any authority or person to produce any register, muster-roll or other document relating to the employment of dock workers, and examine such document;

(c) take on the spot or otherwise the evidence of any person for the purpose of ascertaining whether the provisions of any scheme made for the port are, or have been, complied with.

7. Cognizance of offences.—(1) No Court shall take cognizance of any offence made punishable by a scheme or of any abetment thereof, except on a report in writing of the facts constituting such offence or abetment made by an Inspector or by a person specially authorised in this behalf by the Government.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898), an offence made punishable by a scheme or an abetment thereof shall be triable only by a Presidency Magistrate or a Magistrate of the first class.

STATEMENT OF OBJECTS AND REASONS

The demand for dock labour is intermittent depending on the arrival and departure of vessels, the size and nature of their cargo as well as seasonal and cyclical fluctuations. In the ports, therefore, there is usually labour in excess of minimum requirements and the general tendency on the part of employers is to ensure larger reserves than necessary in order to provide ample margin against emergencies. The main problem connected with dock labour is to devise measures so as to reduce the hardship due to unemployment or under-employment to the utmost extent possible. The Royal Commission on Labour recommended as far back as 1931 that a policy of decasualisation should be adopted with a view "to regulate the numbers of dock labourers in accordance with requirements and to ensure that the distribution of employment depends not on the caprice of intermediaries, but on a system which as far as possible gives all efficient men an equal share." Government had accepted the recommendation and efforts were made to induce Port Trusts to formulate necessary schemes of decasualisation. The voluntary attempt was not, however, a success and a scheme for compulsory registration was formulated in 1939 but was not proceeded with due to the outbreak of war.

2. Although the operation of certain measures introduced during the war, such as rationing and organised distribution of food supplies, facilitated the registration of labour at major ports, the problem, in the main, has remained unsolved. It is now proposed to undertake legislation giving power to the Central Government in respect of major ports and to the Provincial Governments in respect of other ports, to frame a scheme for the registration of dock workers with a view to securing greater regularity of employment and for regulating the employment of dock workers whether registered or not, in a port. In particular, the scheme may provide *inter alia* for the terms and conditions of employment of workers whether registered or not, including rates of remuneration, hours of work and conditions as to paid holidays. It may also provide for payment to registered workers of minimum pay for days on which work may not be available to them and for their training and welfare.

3. Provision is also made in the Bill for the constitution of an Advisory Committee consisting of not more than 15 members representing the Government, the dock workers and the employers of dock workers in equal proportion. In the framing and administration of the schemes the appropriate Government will take the advice of this Committee.

JAGJIVAN RAM.

NEW DELHI:

The 13th September, 1947.

L. A. BILL No. 46 OF 1947.

A Bill further to amend the Indian Patents and Designs (Extension of Time) Act, 1942

WHEREAS it is expedient further to amend the Indian Patents and Designs (Extension of Time) Act, 1942 (X of 1942), for the purpose hereinafter appearing;

It is hereby enacted as follows:—

1. Short title.—This Act may be called the Indian Patents and Designs (Extension of Time) Amendment Act, 1947.

2. Amendment of section 1, Act X of 1942.—In sub-section (3) of section 1 of the Indian Patents and Designs (Extension of Time) Act, 1942, the following sub-section shall be substituted, and shall be deemed always to have been substituted, namely:—

‘(3) It shall be in force up to the 30th day of June 1948.’

3. Repeal of Ordinance VII of 1947.—The Indian Patents and Designs (Extension of Time) Amendment Ordinance, 1947, is hereby repealed.

STATEMENT OF OBJECTS AND REASONS.

The Indian Patents and Designs (Extension of Time) Act, 1942 (X of 1942), was passed to enable the Controller of Patents and Designs to grant extended time to applicants and patentees in India for doing certain acts which could not be done in the prescribed time on account of the war or due to circumstances arising out of the war. This Act remained in force up to the 31st March 1947. The International Industrial Property Union Conference held at Neuchatel in February last agreed that delays due to war were still sufficient to justify emergency extensions of time limit and an agreement was signed by 25 countries whereby time for filing overdue convention applications is extended to the 31st December 1947 and the time for doing other acts until 30th June 1948. The Government of United Kingdom have pointed out that the grant of extensions under the United Kingdom Emergency Legislation to Indian nationals is dependent upon similar extensions being granted in India to United Kingdom nationals, and that the position is similar in the U.S.A. and many other foreign countries. In view of this, the Government of India have decided to extend the period of operation of the Act referred to above. As it was not possible at the time the decision was taken to introduce a Bill in the Legislature, an Ordinance continuing the operation of the Act up to 31st October 1947 only was issued. This Bill seeks to amend Act X of 1942 so as to extend its period up to 30th June 1948 as in other countries.

NEW DELHI;

The 22nd October, 1947

SYAMA PRASAD MOOKERJI.

L. A. BILL No. 47 OF 1947.

A Bill to continue in force certain amendments of the Delhi and Ajmer-Merwara Rent Control Act, 1947

WHEREAS it is expedient to continue in force after the expiry of the Delhi and Ajmer-Merwara Rent Control (Amendment) Ordinance, 1947 (XVIII of 1947), certain amendments of the Delhi and Ajmer-Merwara Rent Control Act, 1947 (XIX of 1947), made by that Ordinance;

It is hereby enacted as follows:—

1. Short title.—This Act may be called the Delhi and Ajmer-Merwara Rent Control (Amendment) Act, 1947.

2. Amendments of Act XIX of 1947 made by Ordinance XVIII of 1947 to continue in force.—Upon the expiry in due course of the Delhi and Ajmer-Merwara Rent Control (Amendment) Ordinance, 1947, the amendments made thereby in the Delhi and Ajmer-Merwara Rent Control Act, 1947, shall, such expiry notwithstanding, continue in force as if they had been enacted by a Central Act.

STATEMENT OF OBJECTS AND REASONS

Under the Government of India Act, 1935, as adapted, the Delhi and Ajmer-Merwara Rent Control (Amendment) Ordinance, 1947 (XVIII of 1947), which was promulgated on the 20th September 1947 to amend the Delhi and Ajmer-Merwara Rent Control Act, 1947, will lose its validity on the 20th March 1948, i.e., after six months from the date of its promulgation unless it is replaced by a regular Act of the Legislature. This amending Ordinance was promulgated in order to prevent certain malpractices on the part of unscrupulous landlords who were taking undue advantage of some exemption provided in the Delhi and Ajmer-Merwara Rent Control Act, 1947, and charging exorbitant rents and otherwise exploiting their tenants. It is essential that the provisions of the amending Ordinance should be incorporated into an amending Act so that they may continue in force after March 1948. Hence the necessity for the present Bill.

N. V. GADGIL.

NEW DELHI;

The 5th November, 1947.

L. A. BILL No. 48 OF 1947

A Bill to amend the Foreign Exchange Regulation Act, 1947

WHEREAS it is expedient to amend the Foreign Exchange Regulation Act, 1947 (VII of 1947), for the purpose hereinafter appearing;

It is hereby enacted as follows:—

1. Short title.—This Act may be called the Foreign Exchange Regulation Amendment Act, 1947.

2. Amendment of section 8, Act VII of 1947.—To sub-section (1) of section 8 of the Foreign Exchange Regulation Act, 1947, the following *Explanation* shall be added, and shall be deemed always to have been added, namely:—

“Explanation.—The bringing or sending into any port or place in British India of any such article as aforesaid intended to be taken out of British India without being removed from the ship or conveyance in which it is being carried shall nonetheless be deemed to be a bringing, or as the case may be sending, into British India of that article for the purposes of this section.”

STATEMENT OF OBJECTS AND REASONS

A doubt has arisen whether the power under section 8(1) of the Foreign Exchange Regulation Act, 1947, to prohibit the import of bullion into India extends to bullion brought into a port or place in India but intended to be taken elsewhere without being removed from the ship or conveyance in which it is carried. The object of the amendment is to make it clear that the provision in section 8(1) applies to such cases also.

R. K. SHANMUKHAM CHETTY.

NEW DELHI;

The 5th November, 1947.

L. A. BILL* No. 49 OF 1947.

A Bill to confer certain powers in respect of premises in the Province of Delhi,

WHEREAS by reason of the shortage of accommodation in the Province of Delhi an emergency has arisen which makes it necessary to confer powers to requisition premises and to evict from Government premises persons continuing without authority to occupy those premises;

It is hereby enacted as follows.—

1. Short title, extent and commencement.—(1) This Act may be called the Delhi Premises (Requisition and Eviction) Act, 1947.

(2) It extends to the whole of the Province of Delhi.

(3) It shall come into force at once.

2. Interpretation.—In this Act, unless there is anything repugnant in the subject or context,—

(a) "competent authority" means the Estate Officer to the Government of India, and includes any other person authorised by the Central Government by notification in the official Gazette to perform all or any of the functions of a competent authority under this Act:

Provided that in respect of any function performable after the making of an order under sub-section (1) of section 5 or sub-section (1) of section 8, references to the competent authority shall be construed as references to the competent authority making that order;

(b) "landlord" has the meaning assigned to it in the Delhi and Ajmer-Merwara Rent Control Act, 1947 (XIX of 1947);

(c) "premises" means any building or part of a building and includes—

(i) the garden, grounds and outhouses, if any, appertaining to such building or part of a building,

(ii) any furniture supplied by the landlord for use in such building or part of a building, and

(iii) any fittings affixed to such building or part of a building for more beneficial enjoyment thereof;

(d) "public purpose" means any purpose connected with the shortage of accommodation in the Province of Delhi;

(e) "tenant" means any person by whom or on whose account rent is payable for any premises and includes every person for the time being deriving title under a tenant and also every person remaining in possession of the premises leased to him after the termination of the lease.

3. Power to requisition.—(1) If in the opinion of the competent authority it is necessary to requisition any premises for any public purpose, he may make an order in writing to that effect:

Provided that no premises exclusively used for the purpose of religious worship shall be requisitioned under this section.

(2) An order under sub-section (1) shall be served on the landlord, and where the order relates to premises in occupation of a tenant also on such tenant, by delivering or tendering to such landlord or tenant a copy of the order, but where a landlord or tenant is not readily traceable and the order cannot be served without undue delay or where the ownership of the premises is in dispute, the order shall be served by publishing it in the official Gazette, and if practicable by fixing a copy thereof to any conspicuous part of the premises to which it relates.

(3) Where the competent authority has requisitioned any premises under sub-section (1), he may use or deal with the premises in such manner as may appear to him to be expedient.

* The Governor General has accorded the sanction required by sub-section (3) of section 299 of the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order, 1947, to the introduction of the Bill in the Constituent Assembly of India (Legislative).

(4) The competent authority, with a view to requisitioning any premises under sub-section (1), may by order—

(a) require any person to furnish to such authority as may be specified in the order such information in his possession relating to the premises as may be so specified;

(b) direct that the landlord, occupier or person in possession of the premises shall not without the permission of the competent authority dispose of, or structurally alter, the premises.

(c) Without prejudice to any other powers conferred by this Act, any person authorised in this behalf by the competent authority may enter and inspect any premises for the purpose of determining whether, and if so in what manner, an order under this section should be made in relation to such premises, or with a view to securing compliance with any order made under this Act.

4. Compensation.—Where any premises are requisitioned under this Act, there shall be paid compensation the amount of which shall be determined in the manner, and in accordance with the principles hereinafter set out, namely:—

(a) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement;

(b) where no such agreement can be reached, the Central Government shall appoint as arbitrator a person qualified for appointment as a Judge of a High Court;

(c) the Central Government may, in any particular case, nominate a person having expert knowledge as to the nature of the premises requisitioned, to assist the arbitrator, and where such nomination is made, the person to be compensated may also nominate an assessor for the said purpose;

(d) at the commencement of the proceedings before the arbitrator, the Central Government and the person to be compensated shall state what in their respective opinions is a fair amount of compensation;

(e) the arbitrator in making his award shall have regard to the provisions of sub-section (7) of section 23 of the Land Acquisition Act, 1894 (1 of 1894) so far as they can be made applicable;

(f) an appeal shall lie to the District Judge against an award of an arbitrator;

(g) save as provided in this section and in any rules made thereunder, nothing in any law for the time being in force shall apply to arbitrations under this section.

5. Release from requisition.—(1) Where any premises requisitioned under this Act are to be released from such requisition, the competent authority may, after such inquiry if any as he may in any case consider it necessary to make, specify by order in writing the person to whom possession of the premises shall be given.

(2) The delivery of possession of the premises to the person specified in an order under sub-section (1) shall be a full discharge of the Central Government from all liabilities in respect of the premises, but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession is given.

6. Power to order vacation of premises or execution of repairs.—Where the competent authority requisitions any premises under this Act, he may by notice in writing—

(a) order the existing tenant or occupier if any, to vacate the premises within ten days of the receipt of the notice;

(b) order the landlord to execute such repairs as may be specified in the notice within such time as may be so specified.

7. Easements, etc., not to be disturbed.—No landlord or any contractor, workman or servant employed by him shall without the previous written consent of the competent authority or except for the purposes of effecting repairs or complying with a municipal requisition, wilfully disturb any convenience or easement attached to any premises requisitioned under this Act, or remove, destroy or render unservicable anything provided for permanent use therewith or discontinue or cause to be discontinued any supply or service provided for the premises.

8. Power to evict from Government premises for breach of terms of tenancy.—(1) Where the person in occupation of any premises belonging to, or taken on lease or requisitioned by, the Central Government, sublets without due authority the whole or any part of the premises or otherwise acts in contravention of any of the terms, express or implied, of his tenancy or other like relationship created by a grant from the Central Government in respect of the premises, or where any person is in occupation of any such premises without the authority of the Central Government, the competent authority may by notice served by post or otherwise, order such person or any other person found in occupation of the premises to vacate the premises within ten days of the receipt of the notice.

(2) Any person aggrieved by an order under sub-section (1) may within seven days of the receipt thereof appeal in writing to the Chief Commissioner, who may, after calling for a report from the competent authority and after making such further inquiry, if any, as he thinks fit pass an order determining the appeal.

(3) Action may be taken under this section whether or not any proceedings for possession are pending in respect of the premises, and upon such action being taken the said proceedings shall forthwith be vacated.

9. Non-compliance with orders.—(1) If any person fails to comply with an order made under clause (a) of section 8 or under section 8, any Court which would have jurisdiction to hear and decide a suit for eviction of a tenant from the premises in respect of which the order relates shall, on the application of the competent authority or any person authorised by him in writing in this behalf, execute the order as if it were a decree of that Court.

(2) If a landlord fails to execute any repairs in pursuance of an order under clause (b) of section 6, the competent authority may cause the repairs specified in the order to be executed at the expense of the landlord and the cost thereof may, without prejudice to any other mode of recovery, be deducted from the compensation payable to the landlord.

10. Penalty and procedure.—(1) Whoever contravenes any provision of this Act or of any order made thereunder shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

(2) No Court shall take cognizance of any offence punishable under sub-section (1) except on the complaint in writing of the competent authority.

11. Power to make rules.—(1) The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the power conferred by sub-section (1), rules made thereunder may provide for—

(a) the procedure to be followed in arbitrations and appeals under section 4;

(b) the principles to be followed in apportioning the costs of proceedings before the arbitrator and on appeal under section 4;

(c) the procedure to be followed by a competent authority in inquiries under section 5.

12. Saving as to orders.—(1) No order made in exercise of any power conferred by or under this Act shall be called in question in any Court.

(2) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Act, a Court shall presume, within the meaning of the Indian Evidence Act, 1872 (I of 1872), that such order was so made by that authority.

13. Protection of action taken under this Act.—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any order made thereunder.

(2) Save as is otherwise expressly provided in this Act, no suit or other legal proceeding shall lie against the Central Government for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act or any order made thereunder.

14. Application of other laws not barred.—(1) The provisions of this Act shall be in addition to and not in derogation of the provisions of the Delhi and Ajmer-Merwara Rent Control Act, 1947 (XIX of 1947).

(2) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law or in any instrument having effect by virtue of any other law.

15. Repeal.—(1) The Delhi Premises (Requisition and Eviction) Ordinance, 1947 (XII of 1947), and the Delhi Premises (Requisition and Eviction) Amendment Ordinance, 1947 (XXI of 1947), are hereby repealed.

(2) Anything done or any action taken in exercise of any power conferred by or under either of the said Ordinances shall be deemed to have been done or taken in exercise of powers conferred by or under this Act as if this Act had commenced on the 18th day of August, 1947.

STATEMENT OF OBJECTS AND REASONS

To meet the acute shortage of accommodation in New Delhi, the Government of India promulgated an Ordinance known as The Delhi Premises (Requisition and Eviction) Ordinance, 1947 on the 18th August, 1947 for the assumption of certain powers relating to:—

(a) the requisition of premises in Delhi;

(b) eviction of tenants from Government accommodation in cases where such tenants occupied this accommodation in an unauthorised manner.

This Ordinance is valid only for 6 months.

2 The acute state of the housing position has not in any way eased but it has on the other hand become more serious and demands for office as well as residential accommodation are on the increase. As several foreign Embassies have been established in the capital city, it has become incumbent on the Government of India to provide them at least the minimum of accommodation required by them. Moreover the large influx of refugees from the Pakistan areas, the creation of new Organisations, such as the Rehabilitation Ministry and the Ministry without Portfolio, and the expansion of some of the Ministries and Departments have added to Govt.'s responsibility of finding out sufficient accommodation. The Govt. of India's decision to help the East Punjab Govt by bringing down to Delhi some of their offices from Simla has also aggravated the housing situation in Delhi.

3 It is, therefore, absolutely necessary to replace this ordinance by an Act of the Dominion Legislature so that the power vested in the Government of India by the Ordinance may continue so long as the present acute shortage of accommodation in Delhi continues.

N. V. GADGIL.

NEW DELHI;
The 10th November, 1947.

M. N. KAUL
Secty. to the Govt. of India